

Message Text

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PAGE 01 STATE 141822
ORIGIN IO-14

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FM SECSTATE WASHDC
TO USMISSION GENEVA IMMEDIATE

C O N F I D E N T I A L STATE 141822

E.O. 11652: GDS

TAGS: PLAB, ILO

SUBJECT: ILO - MAINWARING TEXT ON ARTICLE 17

REF: GENEVA 4888

1. DEPT IS CONCERNED THAT SUBSTITUTE AMENDMENT REFTEL WOULD
LEAVE OPEN POSSIBILITY OF RESOLUTION SIMILAR TO 1974
RESOLUTIONS CONDEMNING ISRAEL REACHING CONFERENCE PLENARY
AGAIN, SINCE IT WOULD NOT PREVENT CONDEMNATION WITHOUT IN-
VESTIGATION WHERE INVESTIGATION NOT PROVIDED FOR BY THE
PROCEDURESREFERRED TO IN PARA 2(A) REFTEL AND NOT AN
EMERGENCY. FOR EXAMPLE, THRUST OF ARAB JUSTIFICATION FOR
1974 RESOLUTION CONDEMNING ISRAEL WAS AND REMAINS THAT
SUBSTANCE OF COMPLAINT WAS INADMISSIBLE UNDER ARTICLE 24
OF ILO CONSTITUTION, SINCE IT DEALT WITH OCCUPIED TERRITORIES
WHERE NO ISRAELI JURISDICTION REQUIRED BY LANGUAGE
OF ARTICLE 24. ARABS ARGUE THAT THERE-FORE THEIR RECOURSE
TO ILO PROCEDURES WAS PRECLUDED BY LANGUAGE OF ARTICLE 24
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PAGE 02 STATE 141822

AND THEIR UNWILLINGNESS TO ACKNOWLEDGE ISRAELI JURISDIC-
TION OVER OCCUPIED TERRITORIES. IN SHORT, MAINWARING
DRAFT WOULD ADMIT RESOLUTIONS OF CONDMENATION WITHOUT IN-
VESTIGATION WHERE FOR SOME REASON THEY WERE DEEMED IN-
ADMISSIBLE UNDER OTHER PROCEDURES. WHERE CONDEMNATION
DESIRED AND NO PROCEDURE AVAILABLE AND NO EMERGENCY DEPT

BELIEVES ESTABLISHMENT OF PROCEDURE IS PREFERABLE TO UN-SUBSTANTIATED CONDEMNATION.

2. THEREFORE, FIRST SENTENCE OF 2(A) SHOULD READ..."REFERS TO A MATTER WHICH HAS NOT BEEN RAISED IN ACCORDANCE..." THIS WOULD MEAN THAT IF IT COULD BE RAISED IN ACCORDANCE WITH AN ESTABLISHED ILO PROCEDURE, IT SHOULD BE; IF IT CAN'T BE RAISED IN ACCORDANCE WITH AN ESTABLISHED ILO PROCEDURE, IT SHOULDN'T BE RAISED AT ALL.

4. CLAUSE 2(B) - ADD "EXCEPT THAT A RESOLUTION OF CONDEMNATION WOULD BE IN ORDER ONLY FOR THE DELAY AND NOT FOR THE SUBSTANCE OF THE ALLEGATION."

5. IF THESE CHANGES ACCEPTABLE, DEPT WOULD WARMLY SUPPORT MAINWARING DRAFT. IF CHANGES UNACCEPTABLE, BUT DRAFT OTHERWISE AGREEABLE TO G-77, DEPT WOULD RELUCTANTLY SUPPORT, IF TACTICAL CONSIDERATIONS DICTATE.

6. DEPT CONSIDERS STATEMENT OF PRINCIPLE THAT THERE SHOULD BE NO CONDEMNATION WITHOUT INVESTIGATION PREFERABLE TO FAILURE TO GET EVEN RECORD VOTE ON SUBSTANCE OF ARTICLE 17 AMENDMENT. VANCE

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Message Attributes

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Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MEETING AGENDA, RESOLUTIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 18-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: SWHILDEN:OF
Enclosure: n/a
Executive Order: GS
Errors: N/A
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Film Number: D770217-1002
Format: TEL
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Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770642/aaaabkjt.tel
Line Count: 85
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Litigation Codes:
Litigation History:
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